

1 Stephen R. Hormel
FEDERAL DEFENDERS OF EASTERN WASHINGTON AND IDAHO
2 10 North Post, Suite 700
Spokane, Washington 99201
3 (509) 624-7606

4 Attorneys for Defendant
KENNETH JOHN FREEMAN

5 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
6 (HONORABLE LONNY R. SUKO)

7 UNITED STATES OF AMERICA,)
)
8 Plaintiff,) CR-07-6008-LRS
)
9 vs.) MOTION TO CONTINUE TRIAL
) AND RESET INITIAL
10 KENNETH JOHN FREEMAN,) PRETRIAL CONFERENCE
)
11 Defendant.)
_____)

12
13 TO: JAMES McDEVITT, UNITED STATES ATTORNEY
STEPHANIE LISTER, ASSISTANT UNITED STATES ATTORNEY

14 KENNETH JOHN FREEMAN, through counsel, Stephen R. Hormel for
15 the Federal Defenders of Eastern Washington and Idaho, moves the
16 Court to continue the trial in this case and to reset the initial
17 pretrial conference to be hearing at the United States Courthouse
18 in Spokane, Washington.

19 This Court set the initial pretrial conference to be held in
20 Yakima, Washington on December 6, 2007. The trial date is now set
21 for December 17, 2007, in Yakima. It is requested that the Court
22 reset the initial pretrial conference to a time and date in Spokane
23 since both counsel and Mr. Freeman are currently located in
24 Spokane.

25 It is also requested that the Court continue the trial to a
26 time in April 2008. AUSA Lister is not available until April 14,

27 CONTINUE

1 2008. Therefore, it is requested that the trial date be set for
2 April 14, 2008, or at such other time. Mr. Freeman will execute a
3 Speedy Trial Waiver through April 30, 2008. Such waiver shall be
4 filed on or before the pretrial conference date.

5 A continuance of the trial is necessary to allow time for
6 investigation and review with Mr. Freeman. The investigation and
7 review cannot be adequately performed within the time now set for
8 trial. Although an initial round of discovery has been received,
9 it is anticipated that more discovery will be forthcoming which
10 will also require more time for review and investigation.

11 The period of this continuance is excludable from the Speedy
12 Trial Act calculations. Without a continuance defense counsel will
13 not have adequate time to prepare an effective defense. 18 U.S.C.
14 § 3161(h)(8)(B)(iv). Thus, the public and the defendant's interest
15 in having a trial within the initial 70 day period is outweighed by
16 the need for defense counsel to have adequate time to investigate
17 and review the case with Mr. Freeman. 18 U.S.C. § 3161(h)(8)(A).

18 The United States Attorney's Office has been contacted
19 regarding this request. There is no objection to the requested
20 continuance in this matter. Therefore, it is requested that the
21 Court reset the pretrial conference to a date and time in Spokane,
22 Washington, to review the motion to continue trial and to continue
23 trial do a date in April as specified above.

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1 Dated: November 2, 2007

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3 Respectfully Submitted,

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5 s/ Stephen R. Hormel
6 WA 18733
7 Attorneys for Freeman
8 Federal Defenders of
9 Eastern Washington and Idaho
10 10 North Post, Suite 700
11 Spokane, Washington 99201
12 Telephone: (509) 624-7606
13 Fax: (509) 747-3539
14 Steve_Hormel@fd.org
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CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: STEPHANIE LISTER, Assistant United States Attorney.

s/ Stephen R. Hormel
WA 18733
Attorneys for Freeman
Federal Defenders of
Eastern Washington and Idaho
10 North Post, Suite 700
Spokane, Washington 99201
Telephone: (509) 624-7606
Fax: (509) 747-3539
Email: Steve_Hormel@fd.org

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